



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE EAST
4911 SOUTH BROAD STREET
PHILADELPHIA, PA 19112-1303

5090

Ser BPMOE 18-214

September 20, 2018

Ms. Jenny Wagner
Bucks County Courier Times
8400 N Bristol Pike
Levittown, PA 19057

Dear Ms. Wagner:

This letter is regarding your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of November 22, 2017, assigned file number DON-NAVY-2018-007545. CDC/ATSDR has referred a total of 39 pages to the Department of the Navy. Your FOIA request was for:

E-mails and other forms of correspondence, including e-mail attachments, to and from CDC/ATSDR employees that have any of the following words or phrases:

- Blood tests
- Blood testing
- Biomonitoring
- Serum tests
- Serum testing
- Feasibility study
- Health study
- Health assessment
- Health strategy
- Incidence study

Applicable correspondence should be limited to that which also has any of the following chemical names or acronyms:

- Perfluorooctanoic acid
- PFOA
- Perfluorooctane sulfonate
- PFOS
- Perfluoroalkyl substances
- PFAS
- PFCs

This correspondence also should be limited to that which is about or has the names of any of the following counties or communities:

- Bucks County
- Montgomery County
- Horsham

- Warminster
- Warrington
- Doylestown
- East Rockhill
- Hatboro
- Chalfont
- Buckingham
- Ivyland
- Northampton
- Warwick

This correspondence also should be limited to that which was sent or received between Jan. 1, 2016 and the present.

Please exclude emails or other forms of correspondence from people (private citizens) who are looking for information about blood testing (e.g. how I can get a blood test?).

Of the 39 pages referred to our agency, 37 pages are released in full and 2 pages were released in part.

After a careful review of these pages, some information was withheld from release pursuant to 5 U.S.C. §552 Exemption (b)(5).

EXEMPTION 5

Exemption 5 protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than a party in litigation with the agency. Exemption 5 therefore incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, and attorney-client privileges. Information withheld under this exemption is protected under the deliberative process privilege. The deliberative process privilege protects the decision-making process of government agencies. It protects materials that are both predecisional and deliberative. The materials that have been withheld pursuant to your request are both predecisional and deliberative; they do not contain or represent formal or informal agency policies or decisions. Examples of information withheld include draft media responses, preliminary data, and draft reports/articles/health assessments.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA ONLINE, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

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The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

I am the official responsible for this decision. If you have any questions concerning this matter, Mr. David Barclift, Base Closure Manager is familiar with your request and may be of assistance. He may be reached at telephone (215) 897-4913 or e-mail David.Barclift@navy.mil.

Sincerely,



GREGORY C. PRESTON
Director